

**REMARKS**

Claims 1-3, 8-11, 18 and 20 stand rejected under 35 USC 103(a) as being unpatentable over Matsuyama. This rejection is respectfully traversed.

Independent claims 1 and 20 have been amended to specify that an area between the mask and the refractive lens system is completely filled with a medium which has a refractive index (n) greater than 1.2.

Matsuyama does not disclose or suggest completely filling the area between a mask and a refractive lens system with a medium which has a refractive index (n) greater than 1.2. Instead, as can be seen in Figure 2, Figure 8 and Figure 17b, Matsuyama provide three different medias between a mask (R) and a lens system (PL) (air with a refractive index  $n_1$  of 1, a distortion correction plate (G1) with a refractive index  $n_2$  of 1.50839, and air again with a refractive index  $n_1$  of 1, see also e.g. paragraphs 0247 - 0250).

Further, Matsuyama does not disclose choosing the refractive index (n) of the medium and the aperture of the refractive lens system so that beams representing deflection intensity maxima of first order, second order, and third order are also collected by the refractive lens system. To achieve this, the whole area between the mask (R) and the refractive lens system (PL) would have to be completely filled with a medium which has a refractive index (n) greater than 1.2. Matsuyama, however, fails to disclose or suggest this configuration.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and

authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing Attorney Docket No. 543822001700. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: December 23, 2005

Respectfully submitted,

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